

REMARKS/ARGUMENTS

Applicants thank the Examiner for the careful consideration given the present application. Applicants respectfully submit that the present application is in a condition for allowance in view of the following remarks.

Applicant has cancelled claim 16.

Claims 1-3, 8-9, and 11-17 are rejected under 35 U.S.C. 112, second paragraph. The Examiner has rejected claim 1 because the term “electricity feeding ports” has no antecedent basis. Applicant has amended claim 1 to provide clarification for a plurality of electricity of feeding ports. Accordingly, claims 3, 11, 12 and 15 have also been corrected. Therefore, Applicant requests that this rejection be withdrawn.

Claims 1, 3, 8, 11-14, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon et al. (U.S. 4,556,772), hereinafter “McCammon”, in view of JP 63-174296, hereinafter “the ‘296 patent”.

Regarding claims 1 and 12, traversal of this rejection is made for at least the following reasons. The cited combination of references fails to teach, suggest, or otherwise render obvious that “the opening area of the electricity feeding port at a position proximate to the center of the ceiling wall reaches one end of the waveguide, and the opening area of the electricity feeding port at a position remote from the center of the ceiling wall does not reach a rear waveguide wall” as recited in independent claims 1 and 12. The Applicant assumes that the Examiner erred in alleging that Yoshimura failed to disclose the directional characteristics of the plurality of the feeding ports, and meant to admit that McCammon fails to disclose the claimed limitation. See reference of Yoshimura patent in Office action on page 3 and 4. The Examiner further alleged that the ‘296 patent discloses the above mentioned limitation of claim 1 and 12. Applicant respectfully asserts that the ‘296 patent fails to disclose that the remote electricity feeding port “does not reach a rear waveguide wall”. The rear edge of the rear post (E) is at the rear wall of the waveguide. See Fig. 4, elements E, G and 16 of the ‘296 patent.

McCammon fails to disclose the locational characteristics of the plurality of feeding ports as required by claim 1 and 12. Further, Applicant respectfully submits that there is no teaching or disclosure that a remote electricity feeding port “does not reach a rear waveguide wall” in the

‘296 patent. Therefore, even if McCammon were combined with the ‘296 patent, every limitation of claim 1 and 12 would not be taught, suggested, or otherwise rendered obvious by the resulting combination. Accordingly, for at least these reasons, the combination of references fails to teach every claimed feature recited in claims 1 and 12 as required to maintain a rejection of that claim under 35 U.S.C. §103(a).

Because claims 3, 8 and 11 depend from claim 1, and claims 13 and 14 depend from claim 12, it is respectfully submitted that claims 3, 8, 11, and 13-14 are also now in condition for allowance for at least the same reasons as claims 1 and 12.

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon, in view of the ‘296 patent, and in further view of JP 62-100982, hereinafter “the ‘982 patent”.

Applicant respectfully asserts that the combination of McCammon and the ‘982 patent is improper. First, according to the ‘982 patent, a bulged portion is provided to facilitate diffuse reflection in the heating chamber so that uniform heating can be attained. Additionally, in order to facilitate the diffuse reflection of the waves, the bulged portion 7 must be located at where the electro-magnetic density is high, which would be a place close to the feeding port 11 in the side wall 6. However, if the bulged portion is formed close to the feeding port in McCammon and a magnetron is also located close to the feeding port, an L-shaped wave guide would not be efficient.

Secondly, the heating techniques disclosed by the ‘982 patent and McCammon are clearly different. According to the ‘982 patent, foods to be heated in the chamber are rotated by the turn table, while the antenna for radiating the wave is fixed. Conversely, McCammon discloses that the antenna for radiating the wave is rotated, while the foods to be heated are fixed. See col. 6, lines 48-53. Thus, the different techniques disclosed by the two references result in an improper combination. As a result, the combination of McCammon and the ‘982 patent fails to render claim 2 obvious.

Finally, claim 2 is also allowable for the limitations therin, and for the limitations of the claim from which it depends.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon, in view of the ‘296 patent and in further view of Noda et al. (JP Patent No. JP 05-07456863), hereinafter “Noda”. Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable

over McCammon, in view of the '296 patent and in further view of DeRemer (U.S. Patent No. 4,307,285), hereinafter "DeRemer". Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon, in view of the '296 patent and in further view of Miller (U.S. Patent No. 4,463,239), hereinafter "Miller".

Regarding Claim 9, as McCammon and the '296 patent fail to disclose that the remote electricity feeding port "does not reach a rear waveguide wall" of amended claim 1, and as claim 9 is dependent on claim 1, Noda also fails to disclose the above limitation. Therefore, even if McCammon and the '296 patent were combined with Noda, every limitation of claim 1 and dependent claim 9 would not be taught, suggested, or otherwise rendered obvious by the resulting combination.

Regarding claims 15 and 17, as McCammon and the '296 patent fail to disclose that the a remote electricity feeding port "does not reach a rear waveguide wall" of amended claim 12, and as claims 15 and 17 are dependent on claim 12, DeRemer or Miller both fail to disclose the above limitation of claim 12. Therefore, even if McCammon and the '296 patent were combined with DeRemer or Miller, every limitation of claim 12 would not be taught, suggested, or otherwise rendered obvious. Accordingly, the resulting combination would not render obvious dependent claims 15 and 17.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our
Deposit Account No. 16-0820, our Order No. NGB-38340.

Respectfully submitted,
PEARNE & GORDON, LLP

By: /michaelwgarvey/
Michael W. Garvey, Reg. No. 35,878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: April 3, 2009